REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-23 are in this case. Claims 1-23 have been rejected under § 103(a).

No amendments are made to the application at this time.

§ 103 Rejections

The Examiner has rejected claims 1-23 under 35 U.S.C. 103(a) as being unpatentable over Philiben (US 6,252,525) in view of Tzidon et al. (US 5,807,109, hereafter "Tzidon"). The Examiner's rejections are respectfully traversed.

Introductory Comments

Philiben discloses a collision warning system in which an audio warning is automatically generated when a collision is imminent. This automatically generated warning signal is similar to the prior art described in the present specification on page 2, lines 27-28. The information provided to the pilot by the system of Philiben is extremely limited in content (either in the form of a message "traffic, traffic" (col. 4, line 23), or an instruction to take certain action, such as "climb, climb" (col. 4, line 37)), and is not provided in response to any pilot request.

Tzidon discloses a simulator system for installation within a low-performance host aircraft to simulate the control systems of a high-performance aircraft, thereby providing a relatively low-cost training tool for pilots. The system provides various user controlled buttons to operate systems or change display modes. Tzidon does not discuss providing any data in audible verbal form.

In contrast, the present invention provides a method in which a <u>pilot-initiated request</u> for information results in generation of a verbal message audible to the pilot indicative of the requested information.

The present invention thus addresses a problem extensively detailed in the present application from page 1, line 20 through page 2, line 19. Specifically, there are situations in which a pilot is unable to look at critical information displayed in the cockpit due to the need to maintain direct eye contact with targets or threats in the surrounding environment. Under such conditions, the pilot is temporarily cut off from availability of certain critical information. The present invention provides a solution through which the pilot can initiate generation of a verbal audible message containing this critical information without deflecting his gaze from the surrounding environment. A person having ordinary skill in the art and familiar with the teachings of both Philiben and Tzidon would not arrive at such a solution, as will be further detailed below.

Mischaracterization of Philiben Reference

Addressing now the arguments of the Examiner in more detail, the Examiner appears to have attempted to construe parts of the current claim language on the Philiben reference in an unreasonable manner. Specifically, referring to claim 1, the Examiner has asserted that:

> *Philiben discloses a method for providing on-demand audio information to a pilot of a first aircraft during aerial combat engagement with a hostile aircraft, the method comprising: (b) identifying the pilot-initiated request as either a first request-type or a second request-type (col. 3, lines 51-60); (c) if the pilot-initiated request is identified as the first request-type, retrieving from at least one system of the first aircraft output information relating current flight parameters of the first aircraft (col. 3, lines 50-60); (d) if the pilot-initiated request is identified as the second request-type, retrieving from at least one system of the first aircraft output information relating to current flight parameters of the hostile aircraft (col. 3, lines 51-67); generating a verbal message audible (annunciator in col. 4, line 22) to the pilot containing said output information (col. 4, lines 22-23).*

The Examiner has acknowledged that Philiben does not disclose receiving a pilot-initiated request for information. This is clearly true, since Philiben relates to a collision warning system in which information is provided automatically when a risk of collision is identified.

Given that there is no pilot-initiated request for information, Philiben clearly does not, and cannot, disclose a step of "(b) identifying the pilot-initiated request as either a first request-type or a second request-type."

Similarly, claim steps (c) and (d) recite steps performed conditionally depending on the type of pilot-initiated request identified in step (b). Clearly, Philiben does not provide warnings conditionally on any type of request for information, but rather under all circumstances in which a potential collision danger is identified.

In view of the above, the Applicant respectfully submits that the Examiner has mischaracterized the Philiben reference, and that at least steps (a), (b), (c) and (d) of claim 1 cannot be read on Philiben.

Proposed Combination Contrary to Explicit Teachings of Philiben

The Examiner's proposed combination of Philiben modified by the teachings of Tzidon is improper, since the combination is contrary to the explicit teachings of Philiben.

Philiben states repeatedly that operation of his system is "automatic". For example:

- *"The present invention relates to an anti-collision system and, more particularly, to **an automatic system** for enhancing the conspicuousness of an aircraft..."* (col. 1, lines 4-6, emphasis added)

- *"What is desired, therefore, is system that in response to detection of a potential collision threat **automatically** activates external lighting of an*

aircraft to enhance its conspicuousness." (col. 2, lines 50-53, emphasis added)

- "*The anti-collision apparatus **automatically responds** to the designation of intruder as a collision threat...*" (col. 2, lines 66-67, emphasis added)

This requirement for an automated system is well understood, since the system is designed to warn of dangers not yet realized by the pilot, and therefore clearly cannot wait for a pilot-initiated request. As such, the proposed modification of Philiben to receive pilot-initiated requests for information would be clearly contrary to the explicit teachings of Philiben himself.

Parenthetically, in case the Examiner were to consider reformulating the rejections based upon Tzidon as the primary reference, the extensive arguments of record in the previous response by the Applicant would also be relevant here.

The above arguments apply equally to independent claims 1, 12 and 17.

In view of the above arguments, the Applicant respectfully submits that the Examiner has failed to establish a prima facie case for obviousness of independent claims 1, 12 and 17, and hence also of claims 2-11, 13-16 and 18-23. Reconsideration of the rejections of record and prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,
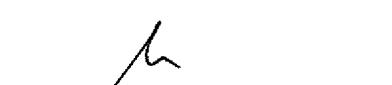
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